

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE: TESTOSTERONE REPLACEMENT THERAPY PRODUCTS LIABILITY LITIGATION	MDL No. 2545
This Document Relates to All Cases	Master Docket Case No. 1:14-cv-01748 Hon. Judge Matthew F. Kennelly

**JOINT STATUS REPORT
FOR NOVEMBER 12, 2015 CASEMANAGEMENTCONFERENCE**

The Court directed counsel to file this joint report regarding the status of the parties' discussions, agreements and disagreements on the proposed agenda items for the November 12, 2015 case management conference.

I. Bellwether Case Selection and Schedule

Pursuant to the Court's instructions, the parties are prepared to discuss these issues at the November 12th Case Management Conference. The parties' respective positions are set forth in their filings of November 2nd and November 9th.

II. AbbVie Discovery Status Report

A. Status of production of AbbVie Custodial Files

It is expected that AbbVie will produce all Tier A custodial Files by November 30th in accordance with the Court's Order. Mindful of the limit on the number of custodial files imposed by the Court, the PSC has identified 3 additional custodians to AbbVie who were not on their original (June 4th) list of custodians.

B. Report on Other AbbVie Discovery Issues

1. *Depositions:* Pursuant to the Court's order, by November 30th the PSC will be identifying additional witnesses for January deposition (one witness has already been identified to AbbVie). The parties are working cooperatively to schedule depositions, including the depositions of two former AbbVie employees (one of which has been already been scheduled).

2. *Non-Custodial Document Production:* The parties met and conferred on November 2nd and are continuing to speak about the production of certain non-custodial areas and continue to work through these issues, including:

- GLASS Database –AbbVie advised the PSC that it believes that this database is duplicative of the AEGIS database (the adverse event database). PSC has received examples from AbbVie to evaluate if the information is duplicative of AEGIS and is analyzing those examples;
- SCORE: AbbVie has agreed to this production and it is expected to be produced November 13, 2015;
- Production of an iPad containing interactive sales aids that sales representatives utilized on detail visits;
- Information and data regarding speakers' programs;
- Solvay Server: a server that contains information from both custodians and non-custodial areas. AbbVie is reviewing and identifying relevant portions for production; and
- iCheck – AbbVie is obtaining more information about this database.

3. *Privilege Logs:* AbbVie has produced two Privilege Logs. The PSC has a team that is reviewing these logs and if there are issues with the logs the PSC will confer with AbbVie and raise any issues that cannot be resolved with the Court at one of the next status conferences.

III. Dismissal of Cases

On Friday, November 6, 2015, the parties submitted via email a proposed Case Management Order providing a streamlined and efficient process for a final verification of dismissal cases by all counsel before they are "so Ordered" by the Court. The parties are working to prepare the first list of cases for dismissal to be submitted for this CMC in accordance with the proposed CMO.

IV. Third-Party Payor Lawsuits

Another third-party payor, Allied Services Division Welfare Fund, has filed a new putative RICO class action complaint against AbbVie, Auxilium and related entities that shares many similarities with the *Medical Mutual* complaint. Because the resolution of the defendants' pending motion to dismiss in *Medical Mutual* may have a substantial impact on the new complaint, and to avoid duplicative simultaneous briefing, AbbVie and Auxilium have proposed a stay of the new action pending a ruling on the motion to dismiss in *Medical Mutual*. The parties are discussing the matter and intend to update the Court shortly as to their positions.

Dated: November 9, 2015

Respectfully submitted,

/s/ Trent B. Miracle

Trent B. Miracle

SIMMONS HANLY CONROY

One Court Street

Alton, IL 62002

Telephone: (618) 259-2222

Facsimile: (618) 259-2251

tmiracle@simmonsfirm.com

Plaintiffs' Co-Lead Counsel

Ronald Johnson, Jr.
SCHACHTER, HENDY & JOHNSON PSC
909 Wrights Summit Parkway, Suite 210
Ft. Wright, KY 41011
Phone: (859) 578-4444
Fax: (859) 578-4440
rjohnson@pschachter.com

Plaintiffs' Co-Lead Counsel

Christopher A. Seeger
SEEGER WEISS LLP
77 Water Street
New York, NY 10005
Phone: (212) 584-0700
Fax: (212) 584-0799
cseeger@seegerweiss.com

Plaintiffs' Co-Lead Counsel

David M. Bernick
DECHERT LLP
1095 Avenue of the Americas
New York, NY 10036
Tel: (212) 698-3500
Fax: (212) 698-3599
david.bernick@dechert.com

Hope S. Freiwald
DECHERT LLP
Cira Center
2929 Arch Street
Philadelphia, PA 19104
Tel: (215) 994-2514
Fax: (215) 994-2222
hope.freiwald@dechert.com

Attorney for AbbVie Inc. and Abbott Laboratories

David E. Stanley
Janet H. Kwuon
REED SMITH LLP
355 S. Grand Avenue, Suite 2900
Los Angeles, CA 90071
Tel: (213) 457-8000
dstanley@reedsmith.com
jkwuon@reedsmith.com

Attorneys for Eli Lilly and Company and Lilly USA LLC

Andrew K. Solow
KAYE SCHOLER LLP
250 West 55th Street
New York, NY 10019
Tel: (212) 836-7740
Fax: (212) 836-6776
andrew.solow@kayescholer.com

Pamela J. Yates
KAYE SCHOLER LLP
1999 Avenue of the Stars, Suite 1700
Los Angeles, CA 90067
Tel: (310) 788-1278
Fax: (310) 788-1200
pamela.yates@kayescholer.com

Attorneys for Endo Pharmaceuticals Inc. and Auxilium Pharmaceuticals, Inc.

Loren H. Brown
Cara D. Edwards
DLA PIPER LLP (US)
1251 Avenue of the Americas
New York, NY 10020
Phone: (212) 335-4500
Fax: (212) 335-4501
loren.brown@dlapiper.com
cara.edwards@dlapiper.com

Matthew A. Holian
Jessica C. Wilson
DLA PIPER LLP (US)
33 Arch Street, 26th Floor
Boston, MA 02110
Phone: (617) 406-6000
Fax: (617) 406-6001
Email: matt.holian@dlapiper.com
Email: jessica.wilson@dlapiper.com

Attorneys for Pfizer Inc. and Pharmacia & Upjohn Company LLC

Joseph P. Thomas
Jeffrey F. Peck
K.C. Green
Jeffrey D. Geoppinger
ULMER & BERNE LLP
600 Vine Street, Suite 2800
Cincinnati, OH 45202
Phone: (513) 698-5000
Fax: (513) 698-5001
E-mail: jthomas@ulmer.com

*Attorneys for Actavis, Inc., ActavisPharma, Inc.,
Anda, Inc., Watson Laboratories, Inc., a Nevada
corporation, and Watson Laboratories, Inc., a
Delaware corporation*

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2015, the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

/s/ Michelle Hart Yeary